

AMENDING SECTION 105 OF THE LEGISLATIVE APPROPRIATION ACT, 1955, WITH RESPECT TO THE DISPOSITION UPON THE DEATH OF A MEMBER OF THE HOUSE OF REPRESENTATIVES OF AMOUNTS HELD FOR HIM IN THE TRUST FUND ACCOUNT IN THE OFFICE OF THE SERGEANT AT ARMS, AND OF OTHER AMOUNTS DUE SUCH MEMBER

JULY 8, 1959.—Ordered to be printed

Mr. HENNINGS, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany H.R. 6435]

The Committee on Rules and Administration to whom was referred the bill (H.R. 6435) to amend section 105 of the Legislative Appropriation Act, 1955, with respect to the disposition upon the death of a Member of the House of Representatives of amounts held for him in the trust fund account in the Office of the Sergeant at Arms, and of other amounts due such Member, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This bill relates solely to certain administrative operations in the House of Representatives. Under the present law, the Sergeant at Arms of the House of Representatives is authorized to pay any unpaid balances of salary or other sums due to a Member at the time of his death to the decedent's widow or widower or, if none, to the decedent's next of kin or heirs at law. The present bill is designed to enable a Member, including a Resident Commissioner, to designate in writing a beneficiary and also contingent beneficiaries to receive such unpaid balances as may be due him by the Sergeant at Arms or the Clerk of the House of Representatives on the date of his death. The bill also establishes an orderly, uniform statutory procedure to be followed by the above officials in those cases where no designation of beneficiary has been made.

The proposed bill would encompass moneys held in the trust fund account in the Office of the House Sergeant at Arms, which trust fund account has no counterpart in the Senate. The bill would not apply to lump-sum credits in a Member's retirement fund or to any other

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sums which might be owing by the Government to a deceased Member of the House of Representatives.

Further information concerning the details of the proposal are outlined in House Report 372, 86th Congress, 1st session, which accompanied the bill in the House of Representatives.

CHANGES IN EXISTING LAW

In compliance with clause 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*):

SECTION 105 OF THE LEGISLATIVE APPROPRIATION ACT, 1955

[SEC. 105. After June 30, 1954, when any person who has been elected a Representative in Congress dies after the commencement of the Congress to which he has been elected, the Sergeant at Arms of the House of Representatives shall pay to the widow, or widower, of such person, or if there is no widow, or widower, to the next of kin or heirs-at-law of such person, any unpaid balance of salary or other sums due such person at the time of his death.]

SEC. 105. When any individual who has been elected a Member of, or Resident Commissioner to, the House of Representatives dies after the commencement of the Congress to which he has been elected, the Sergeant at Arms of the House of Representatives shall pay any unpaid balance of salary and other sums due such individual (including amounts held in the trust fund account in the office of the Sergeant at Arms) to the person or persons surviving at the date of death, in the following order of precedence, and such payment shall be a bar to the recovery by any other person of amounts so paid:

First, to the beneficiary or beneficiaries designated by such individual in writing to receive such unpaid balance and other sums due filed with the Sergeant at Arms, and received by the Sergeant at Arms prior to such individual's death;

Second, if there be no such beneficiary, to the widow or widower of such individual;

Third, if there be no beneficiary or surviving spouse, to the child or children of such individual, and descendants of deceased children, by representation;

Fourth, if none of the above, to the parents of such individual, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased individual, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased individual.